

REMARKS

The Office Action dated May 16, 2006 has been reviewed carefully and the application has been amended in a sincere effort to place it in condition for allowance. Claims 1-28 are currently pending in the case.

Claim Rejections - 35 U.S.C. §103

Claims 1-28 were rejected under 35 U.S.C. §103 as being unpatentable under United States Published Patent Application No. US 2005/0047556 to Somerville et al. (“Somerville”) in view of United States Published Patent Application No. US 2003/0187993 to Ribot (“Ribot”).

The Examiner indicates that Somerville dynamically allocates portions of a central pool of resources to one or more media resource cards and cites Paragraph 22. Paragraph 22 describes a test tool 102 coupled to a media platform 104. The test tool includes a set of computer executable instructions for testing a variety of operations on a media platform (Paragraph 26). A user can select input variables such that the test tool can test particular types of telecommunication services each configuring numerous testing routines to evaluate the response behaviors of various types of telecommunication services as if they were physically loaded onto the media platform 104. However, as stated in Paragraph 33, “the telecommunications service application does not even have to be physically loaded onto the media platform 104 to test how the service application would respond on the media platform 104.”

Thus, Somerville teaches a testing routine in a model environment. However, the software model of Somerville does not describe *dynamically allocating portions of said central pool to one or more media resource cards, as needed to perform specific services for a customer*, as in amended Claim 1.

In other words, Applicant's invention allocates resources in an actual telecommunications system "when needed to perform specific services" (Specification, page 2 lines 11-14), and not in a model testing environment as taught by Somerville.

Claim 1 has been amended to clarify that the present invention dynamically allocates resource points among cards as needed for the required services being requested by a customer. Somerville's application alone does not render Applicant's claimed invention obvious.

The Ribot application relates to security access control in client server systems. The Examiner cites Paragraphs 36 and 37. These paragraphs relate to a set of objects containing authorized privileges and credentials for particular client organizations that are subscribers of the telecommunication system. As set forth in Paragraph 37, "a profile is associated with each organization using network 1 and is a management object. The profile defines the organization's privileges and a set of credentials." As set forth in Paragraph 35 "An advantage of the present invention is to do the whole of the security and access controls during the authentication and authorization of the client organization." (Paragraph 35).

In other words, Ribot is directed to security and access control in order to prevent unauthorized access to the system and its services using various management objects.

Applicant's invention, on the other hand, relates to dynamically allocating resources to customers on an as needed basis and allows customers to license additional resource points, if necessary. This allows not only the management of the resources in terms of bandwidth, but also allows a telecommunication service provider to determine the monetary amount at which to bill customers for the resources that the customer consumes. The amount of resources consumed by the customer is reflected in the resource points. This concept is not described or suggested in Somerville, Ribot or the combination of the two. In addition, neither reference suggests the use of resource points to identify the amount of resources needed to perform certain services.

Accordingly, due to the absence from Somerville and Ribot of the Applicant's inventive steps of *creating a central pool storing resource points representing a license or authorization level of media resource service capability* and of *dynamically allocating portions of a central pool to one or more media resource cards as needed to perform certain resources for a customer*, the cited references cannot render Applicant's invention obvious.


The other independent claims (10, 19 and 21) have been similarly amended herein and for the reasons set for above, it is believed that those independent claims are allowable over the prior art references as is amended independent claim 1. Thus, the dependent claims, being dependent upon allowable independent claims are also believed to be in condition for allowance.

All of the claims have been amended herein either directly or through dependency. It is believed that the claims as amended are patentable over the cited references.

Please do not hesitate to contact the undersigned in order to advance the prosecution of this application in any respect.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,


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